

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

DAVID MACOMBER,)	CASE NO.
Plaintiff,)	
)	
v.)	
)	
DES MOINES COUNTY, IOWA AND)	
DES MOINES COUNTY SECONDARY)	
ROADS DEPARTMENT,)	
Defendants.)	

NOTICE OF REMOVAL

TO THE CLERK FO THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants, Des Moines County and Des Moines County Secondary Roads Department, hereby remove to this Court the State action described below:

1. On May 16, 2014, an action was commenced by Plaintiff, David Macomber, in Des Moines County Iowa District Court, entitled *David Macomber, Plaintiff, v. Des Moines County and Des Moines County Secondary Roads Department*, as Des Moines County Case No. LALA004382.

2. Defendants were served a copy of the Original Notice and Petition on June 3, 2013. Copies of the Petition, Original Notice and services of process served upon the Defendants in the State court action, are attached hereto and marked as Exhibits A, B and C.

3. Pursuant to 28 U.S.C. § 1446(b), this notice is being timely filed.

4. This action is based on 42 U.S.C § 12111, *et seq.*, known as the American with Disabilities Act. Therefore this action is a civil action of which this Court has original jurisdiction under 28 U.S.C § 1331, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §§ 1441(a), as it is an action presenting a

federal question concerning matters arising out of a federal statute.

5. Pursuant to 28 U.S.C. § 1446(d), Defendants are contemporaneously providing copies of this notice of removal to counsel for the Plaintiff.

WHEREFORE, Defendants, Des Moines County and Des Moines County Secondary Roads Department, hereby pray that this action be removed to the United States District Court for the Southern District of Iowa, Eastern Division.

SCHELDROP BLADES
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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on 6/24/2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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